

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROGER J. STONE, JR.,

Defendant.

Criminal No. 19-cr-18-ABJ

**GOVERNMENT'S SECOND NOTICE  
REGARDING REPORT OF THE SPECIAL COUNSEL**

The United States of America submits this second notice to the Court regarding the Special Counsel's confidential report to the Attorney General (Report).

On April 17, 2019, the government advised the Court that the Justice Department (Department) was preparing for release a redacted version of the Report. The government further advised that, after the public release of the redacted version of the Report, the Department planned to make available for review by a limited number of Members of Congress and their staff a copy of the Special Counsel's Report without certain redactions. The Department did so, making available a minimally redacted version of the Report to a limited number of congressional leaders under conditions that would protect against further dissemination of the minimally redacted Report. The minimally redacted Report maintained redactions only for grand jury material, which is protected from disclosure by Federal Rule of Criminal Procedure 6(e).

On May 8, 2019, the House Permanent Select Committee on Intelligence ("HPSCI") issued a subpoena to the Department for, among other things, the unredacted Report. The Department recognizes and respects the legitimate oversight interests of the Committee in the federal government's counterintelligence and foreign-intelligence matters, and the Department has advised HPSCI that the Department is prepared to work in good faith to accommodate legitimate

requests of the Committee for information to the extent possible in a manner consistent with Executive Branch confidentiality interests.

Consistent with that commitment, the Justice Department has reached an agreement with HPSCI regarding review of Volume I of the minimally redacted Report. The Department will make available for review Volume I of the minimally redacted Report in a secure space by HPSCI Members and a limited number of Committee staff members from each of the majority and minority. This copy of Volume I of the Report will include in unredacted form information related to this case. Members and staff authorized to review the report will be permitted to take notes, provided those notes are properly secured, and they will be permitted to discuss the report among themselves. The Department has advised the Committee that the Department expects the Committee and staff to strictly maintain the confidentiality of any information contained in the report and to use that information only for Committee purposes. The Department has also advised the Committee that none of the material that was redacted in the public version of Volume I—including information related to this case—may be revealed publicly or to others not authorized by the Department to receive such access, without prior consent of the Department. The government plans to make the minimally redacted report available under the same conditions to the members and limited staff of the Senate Select Committee on Intelligence (SSCI).

The government believes that this arrangement does not violate either Local Criminal Rule 57.7 or the Court’s order regarding extrajudicial statements of counsel. By providing minimally redacted copies of Volume I of the report for review by HPSCI and SSCI Members and limited staff in a secure space, and by further restricting dissemination of the material, the Department is not making a statement about this case “in public settings.” Doc. 36, at 3. Nor is the Department “authoriz[ing] the release of information or opinion which a reasonable person would expect to be

disseminated by means of public communication.” Local Crim. R. 57.7(b)(1). Nevertheless, in an abundance of caution and in the interests of transparency to the Court, the government is advising the Court of its intended course of action. Absent further guidance from the Court, the Department plans to make this version of the report available for review beginning on May 28, 2019.

Respectfully submitted,

JESSIE K. LIU  
U.S. Attorney for the District of Columbia

By: \_\_\_\_\_/s/  
Jonathan Kravis  
Michael J. Marando  
Assistant United States Attorneys

Aaron Zelinsky  
Adam Jed  
Special Assistant United States Attorneys  
555 4<sup>th</sup> Street NW  
Washington, D.C. 20530

Dated: May 22, 2019